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*Representing the United States of America*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

CAMILO Q. PRIMERO, and

AURORA S. BELTRAN,

Defendants.

Case No.: 2:17-cr-00205-APG-GWF

~~UNDER SEAL~~

**GOVERNMENT'S EMERGENCY EX  
PARTE MOTION TO UNSEAL  
ENTIRE INDICTMENT**

The United State of America, by and through STEVEN W. MYHRE, Acting United States Attorney, and PATRICK BURNS, Assistant United States Attorney, hereby respectfully submits this Emergency Ex Parte Motion to Unseal Indictment.

**I. Factual and Procedural Background**

On July 5, 2017, the Special Grand Jury returned an indictment charging Defendant Camilo Q. Primero (Primero) and Aurora S. Beltran (Beltran) with nineteen felony criminal counts, including the following offenses: Conspiracy to Commit Health Care Fraud (18 U.S.C. § 1349); Health Care Fraud (18 U.S.C. § 1347); Fraudulent

1 Concealment Involving a Federal Health Care Program (42 U.S.C. § 1320a-7b(a)(3));  
2 False Statements Relating to a Health Benefit Program (18 U.S.C. § 1035); and Money  
3 Laundering (18 U.S.C. § 1957). A summons return date is currently scheduled for July  
4 12, 2017 at 3:00 PM in front of United States Magistrate Judge George W. Foley. The  
5 Government now seeks to have the Court order the indictment unsealed in its entirety.

## 6 **POINTS AND AUTHORITIES**

### 7 **II. Argument**

#### 8 **A. Legal Standard for Magistrate Judge's Discretion to Unseal Grand** 9 **Jury Indictment**

10 Federal Rule of Criminal Procedure 6(e)(4) grants a magistrate judge the power  
11 to seal an indictment:

12 The federal magistrate to whom an indictment is returned may  
13 direct that the indictment be kept secret until the defendant is in custody  
14 or has been released pending trial. The clerk must then seal the indictment,  
15 and no person may disclose the indictment's existence except as necessary  
to issue or execute a warrant or summons.  
Fed.R.Crim.P. 6(e)(4).

16 The "obvious purpose" of the Rule "is to prevent the requirement of an indictment from  
17 serving as a public notice that would enable the defendant to avoid arrest." *United States*  
18 *v. Davis*, 598 F.Supp. 453, 455 (S.D.N.Y. 1984) (quoting *United States v. Muse*, 633 F.2d  
19 1041, 1043 (2d Cir.1980)). The Second Circuit has held that "there are various legitimate  
20 prosecutorial objectives, including, but not limited to, the facilitation of arrest, that will  
21 justify the sealing of an indictment." *United States v. Srulowitz*, 819 F.2d 37, 40 (2d Cir.  
22 1987). The Sixth Circuit has held that "the need to avoid compromising an ongoing  
23 investigation" may justify the sealing of an indictment. *United States v. Wright*, 343 F.3d  
24 849 (6th Cir. 2003). Even where an indictment is properly sealed, the Government must

1 unseal the indictment “as soon as its legitimate need for delay has been satisfied.” *United*  
2 *States v. Watson*, 599 F.2d 1149, 1154 (2d Cir. 1979).

3 **B. The Government Certifies that the Need for Delay in Unsealing the**  
4 **Indictment Has Been Satisfied and the Indictment Should Be**  
5 **Immediately Unsealed in its Entirety**

6 The Government requests to have the indictment unsealed in order to provide a  
7 copy to defense counsel prior to the initial appearance and to otherwise make the  
8 indictment public. Upon being advised of the summons date, counsel for Primero and  
9 Beltran indicated that they are both unavailable to appear for an initial appearance  
10 throughout most of the month of July due to scheduled trips out of the jurisdiction and  
11 one attorney’s scheduled medical procedure. The parties have agreed and will be  
12 submitting a stipulation requesting to reset the initial appearance date to July 31, 2017.  
13 In the interim, the Government and defense counsel for Primero and Beltran wish for  
14 the defense to receive a copy of the indictment, which is currently sealed. Because the  
15 legitimate need for delay in unsealing the indictment has now been satisfied, the  
16 indictment should be unsealed in its entirety. *Watson, supra*.

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DATED this 6<sup>th</sup> day of July, 2017.

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Acting United States Attorney

PATRICK BURNS  
Assistant United States Attorney

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**ORDER ON GOVERNMENT'S  
EMERGENCY EX PARTE MOTION  
TO UNSEAL INDICTMENT**

14 This matter coming on the Government's Emergency Ex parte Motion to Unseal  
15 Indictment, the premises therein having been considered, and good cause showing, the  
16 Motion is hereby **GRANTED**.

17 **IT IS HEREBY ORDERED** that the above referenced Indictment, shall be, and  
18 is, unsealed.

19 **DATED** this 6<sup>th</sup> day of July, 2017.

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22 UNITED STATES MAGISTRATE JUDGE  
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